

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1745
Examiner :
Serial No. : 10 045,848
Filed : November 7, 2001
Inventors : Hiroki Nakamaru
: Tomoshige Ono
: Yoshiei Kato
Title : IRON POWDER FOR
: REMEDIATION AND
: METHOD FOR REMEDIATING
: SOIL, WATER OR GAS



22469

Docket No.: 1315-01

Confirmation No.: 2392

DECLARATION

I, T. DANIEL CHRISTENBURY, am a resident of 111 E. Lanark Road, Centerville, DE 19807. I am a principal in the firm of Schnader Harrison Segal & Lewis. I am admitted to practice in the Commonwealths of Virginia and Pennsylvania and am registered to practice before the U.S. Patent and Trademark Office.

This Declaration is submitted as a supplement to my Declaration executed June 18, 2002.

A. I caused the above-identified Application to be filed on November 7, 2001. I have filed many applications in the PTO since that time. Nonetheless, I have a specific recollection of filing this Application in its entirety, including the missing pages, by virtue of several unusual facts associated with this Application. The first fact is that I caused another Application (Serial No. 10 045,316) having highly related subject matter and containing two of the three inventors for this Application to be filed on the same day. Both Applications were brought to me at the same time and I handled the Applications, one right after the other. I paid special attention to both Applications inasmuch as the Applicants specifically requested that the Applications be filed on the same day. I was especially careful to ensure that none of the Application papers were mixed together or confused.

Another relevant fact is that the subject matter of this Application (as well as the other Application) is somewhat unusual relative to the subject matter of the many applications I handle

on behalf of the assignee corporation. Both Applications relate to methods of remediating contaminated soil, which is sharply different from the usual subject matter of the assignee corporation.

Yet another fact raising special attention for this Application (as well as the other Application) is that I have for many years prepared and filed patent applications for a completely separate client involving many methods of remediating soil. Accordingly, the particular technology of this Application "stood out" from the typical application and occupied a place of greater interest than usual.

As a result of the above facts, I have a specific recollection of filing this Application (as well as the other Application) and counting the pages of both Applications to ensure that they were all present. The pages were, in fact, present in both applications at that time.

B. Inasmuch as I filed the other Application on the same day as the above-identified Application, I checked that file to see if there were any problems associated with the filing of that Application. That check revealed additional relevant facts. First, the return postcard for that Application has never been returned from the Patent Office. Of greater importance, however, is that the Assignment recordal transmittal letter has been returned from the PTO attached to the usual Notice of Recordation of Assignment. The PTO Notice in the other application is in excellent condition and does not appear to have been subjected to any type of UV treatment. However, the original Assignment transmittal form that was submitted to the PTO with the other Application bears the same indicia of UV treatment. Specifically, it is highly discolored and quite brittle. In fact, the two locations where the form was folded to be placed into the PTO envelope are not only brittle, but have completely broken apart and were subsequently taped together to maintain the integrity of the document.

My review of the other file also reveals that the PTO telephoned me earlier this year and requested certain replacement pages for originally filed, irradiated pages in that Application. The

PTO person that called characterized the papers as having been "irradiated". Those certain pages were apparently in such poor condition to be virtually unuseable. Those items included the Express Mail Certificate, page 24 of the Application, which was in that case the Abstract, and two sheets of drawings. At the request of Ms. Santissa Inman of the PTO, I faxed replacement pages to the Patent Office on March 18, 2002.

C. I executed the original Application papers in blue ink. The blue ink original signatures were mailed to the PTO at the time that the above-identified Application was filed.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and thus such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

T. Daniel Christenbury

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Reg. No. 31,750

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DECLARATION

I, GINOLA L. JOHNSON, am a resident of 338 Cobble Creek Curve, Newark, DE 19702. I am a secretary in the firm of Schnader Harrison Segal & Lewis.

I executed the Express Mail Certificate for the above-identified Application in blue ink and that originally executed blue ink Express Mail Certificate was submitted to the PTO with the Application.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and thus such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Ginola L. Johnson